

MAGISTRATE JUDGE FRENSLEY COURTROOM MINUTES FOR CRIMINAL  
PROCEEDINGS by VIDEOCONFERENCE

U.S.A. v. Josiah Garcia

, No. 3:23-mj-2033

ATTORNEY FOR GOVERNMENT: Brooke Schiferle

ATTORNEY FOR DEFENDANT: David Fletcher

APPD

Panel

Retained

PRETRIAL SERVICES/PROBATION OFFICER: Kim Haney for Tianna Rock

INTERPRETER NEEDED?

YES

NO

LANGUAGE/INTERPRETER: \_\_\_\_\_

PRESENT

ON TELEPHONE

Defendant consents to IA and  All future hearings before the Magistrate Judge by video conference.

INITIAL APPEARANCE  ON A SUMMONS  ARRESTED ON: \_\_\_\_\_

DEFENDANT HAS A COPY OF:

Complaint  Indictment  Information  Supervised Release Pet.  Other \_\_\_\_\_  
 Defendant advised of the charges and the maximum penalties  Defendant has a copy of notice of rights  
 Defendant advised of right to counsel  Counsel retained  
 Defendant sworn and/or certified under penalty of perjury and financial affidavit filed  FPD Appointed  
 Defendant advised of right to silence  Defendant advised of right to **Consular notification**  
 GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020  
 Defendant advised of right to preliminary hearing  Defendant waived preliminary hearing  
 Defendant waived rights under IAD  Defendant to be returned to State custody  
 Government motion for detention  Defendant temporarily detained  
 Defendant waived detention hearing  ICE detainer on defendant  
 Defendant reserved right to hearing in future  
 Defendant to remain in Federal custody  
 Defendant remain on current conditions of supervised release  
 Defendant ordered to psychological/psychiatric evaluation  
 Defendant released on:  
     Own recognizance with conditions of release  standard  special  
     Appearance bond in the amount of: \_\_\_\_\_  
     Property bond [description of property]: \_\_\_\_\_

RULE 5 - Defendant advised of right to identity hearing  Defendant waived identity hearing

RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution

RULE 5 - Defendant elected to have detention hearing in District of Prosecution

RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: \_\_\_\_\_

GRAND JURY WAIVED IN OPEN COURT

[Defendant sworn and advised of rights by Court]

ARRAIGNMENT

Defendant acknowledges he/she has copy of Indictment/Information  Court advised Def. of penalties

Defendant waives reading thereof  Indictment/Information read to defendant by Judge

**PLEA:**  GUILTY  NOT GUILTY  Defendant intends to plead guilty and case referred to DJ

DATE: 4.18.23

TOTAL TIME: 2 hours 32 minutes

BEGIN TIME: 1:06 pm

END TIME: 3:38 pm

Digitally Recorded

**RULE 5. IDENTITY HEARING**

- Held, defendant found to be person named in warrant
- Held, defendant found NOT to be person named in warrant and released
- Waived in open Court

 **PRELIMINARY HEARING****CONTINUED TO:** \_\_\_\_\_

- Probable Cause found/Held to answer/bound over
- Discharged from custody
- Defendant waived preliminary hearing
- RULE 5 - Held to answer in District of Prosecution
- RULE 5 - Defendant reserved right to have hearing in District of Prosecution

 **DETENTION HEARING****CONTINUED TO:** 4.19.23 at 1 pm in Courtroom 5B.

- Government withdrew motion for detention or agreed to release
- Pretrial Services Report made a part of the record
- Counsel moved to retain copy of PTSR/granted
- Bond set at: \_\_\_\_\_
- Defendant released on [date]: \_\_\_\_\_
- RULE 5 - Defendant elected to have hearing in District of Prosecution
- Defendant waived detention hearing
- Defendant reserved right to hearing in future
- Defendant detained, order to enter
- ICE detainer pending
- Defendant to remain in Federal custody
- Defendant to be returned to State custody
- Government moved for stay of execution of release pending appeal
- Motion granted
- Motion denied
- Defendant advised of right to appeal

 **ARRAIGNMENT ON MISDEMEANOR**

- Defendant acknowledges he/she has copy of Indictment/Information
- Indictment/Information read to defendant by Judge
- Defendant waives reading thereof

**PLEA:  GUILTY     NOT GUILTY**

- Misdemeanor - defendant consented to trial before Magistrate Judge
- Written plea agreement/filed in open Court
- Oral plea agreement
- Guilty plea:             Accepted
- Rejected
- Taken under advisement

 **OTHER**

- Type of hearing and outcome: \_\_\_\_\_

 **DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED**

- Witness and Exhibit List attached

**NOTES/EVIDENTIARY MATTERS/SENTENCING:**

(Witnesses, Exhibits, Attach W/Ex List if necessary)